

Remarks

The undersigned thanks Examiner Patel for the thorough review and consideration of this Application. In the Office Action, the Examiner rejected claims 1-16 under the judicially created doctrine of obviousness type double patenting, rejected claims 1 and 3-16 under 35 U.S.C. §102(b) and rejected claims 2, 5-6 and 14-15 under 35 U.S.C. §103(a).

Upon entry of the present Amendment and Response, claims 1, 4 and 10 are amended, without addition of new matter. Additionally, along with this Amendment and Response, applicant submits a timely filed terminal disclaimer in compliance with 37 C.F.R. §1.321(c). In light of these amendments and the submission of the terminal disclaimer, the undersigned is of the opinion that this Application is in a condition for allowance and respectfully requests the same.

DOUBLE PATENTING REJECTION

On Page 2 of the Office Action, the Examiner rejected claims 1-16 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-8 of U.S. Patent No. 6,674,625. Along with this Amendment and Response, the undersigned submits a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) for commonly owned U.S. Patent No. 6,674,625. The undersigned believes that the submitted terminal disclaimer overcomes the double patenting rejection and respectfully requests the Examiner to withdraw the same.

PRIOR ART REJECTIONS

This Application claims new, useful and non-obvious automatic response systems and methods for remotely triggering one or more automatic response devices to actively respond to the presence or absence of a control signal by performing certain functions. Independent claims 1 and 4 as amended, and therefore dependent claims 2, 3, and 5-9, are directed to systems that include an “automatic response device” that can be signaled to perform a “function” that “affects the position and/or

orientation of the automatic response device.” Similarly, independent claim 10 as amended, and therefore dependent claims 11-16, are directed to methods for providing a notification service that includes signaling an “automatic response device” to perform a “function” that “affects the position and/or orientation of the automatic response device.”

The claimed systems and methods of the present application are not anticipated by or obvious in light of the references cited in the Office Action. The Office Action cites two references that are directed to systems that monitor for certain environmental / weather conditions and broadcast a signal to activate warning devices when those conditions are detected.¹ When activated, the warning devices of the cited references emit visible or audible warnings or otherwise passively display information concerning the detected condition. The systems disclosed in the cited references do not automatically respond to the environmental / weather condition, but merely attempt to warn individuals of the environmental / weather condition. Once warned, the individual must then decide whether and how they will respond to the detected condition.

Unlike the cited warning system references, the systems and methods of the present invention may automatically respond to detected conditions without human involvement by triggering an automatic response device to perform a function that affects the position and/or orientation of the device. For example, the present application discloses automatic response devices within the scope of the present invention that may “roll up storm shutters when the wind speeds exceed a defined limit,” or may “interrupt irrigation cycles when a defined amount of rain is predicted or occurs,” or may “disconnect electronic equipment 18 when there is a danger of lightning strikes in the area.” See Application as Filed, pg. 8, lines 11-25.

¹ The Office Action also cites a reference directed to a keyless vehicle entry system, which is discussed further below.

Whether alone or in combination, the references cited in the Office Action do not teach, suggest, or disclose the presently claimed systems and methods, as described further below.

§102 Rejections:

At pages 3-5 of the Office Action, the Examiner rejected claims 1 and 3-16 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent No. 6,633,240 (the "Sweatt Patent"). The undersigned respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

To anticipate a claim, a reference must teach each and every element of the claim, either expressly or inherently. See M.P.E.P. § 2131.

The Sweatt Patent does not teach each and every element of the rejected claims. For example, the Sweatt Patent does not teach systems and methods utilizing automatic response devices that perform a "function" to "affect the position and/or orientation of the automatic response device" as claimed in the present application.

The emergency warning system disclosed in the Sweatt Patent includes a "sensor for detecting an environmental condition" and a number of "transmitters" for transmitting signals when the environmental condition is detected. See Sweatt Patent, Abstract. It also includes a "receiver" remotely located from the sensor and transmitter. Id. When the receiver receives a signal from the transmitter, an "indicator" associated with the receiver will display "information indicative of the environmental condition" (Id.) and/or may trigger an audible or visual alarm (Id. at col. 1, lines 52-57).

The Sweatt Patent, however, does not teach, suggest or disclose triggering a device to perform a function in response to the signal that affects the position and/or orientation of the device. The device disclosed in the Sweatt Patent does not automatically respond to a detected environmental condition, but merely attempts to warn individuals of the detected environmental condition. As such, the Sweatt Patent does not teach, suggest or disclose each and every element of the rejected claims as

amended. The undersigned respectfully requests the Examiner to withdraw the §102 rejections.

§103 Rejections:

At pages 5-6 of the Office Action, the Examiner rejected claims 2, 5-6 and 14-15 under 35 U.S.C. §103(a). The Examiner rejected claim 2 under §103 as unpatentable over the Sweatt Patent in view of U.S.P.N. 6,172,431 (the “Honeyman Patent”). The Examiner rejected claims 5-6 and 14-15 under §103 as unpatentable over Sweatt in view of U.S. Patent Application Publication No. 2002/0075155 (the “Guillory Publication”).

To establish a prima facie case of obviousness under 35 U.S.C. §103, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. See M.P.E.P. § 2142.

The undersigned respectfully submits that neither of the §103 rejections in the Office Action meet the prima facie requirements for obviousness.

With respect to the rejection of claim 2, the undersigned respectfully submits that there is no suggestion or motivation to combine the reference teachings. Indeed, the Honeyman Patent teaches away from making such a combination. See In re Gurley, 27 F.3d 551, 553 (Fed. Cir. 1994) (in general, a reference that “teaches away” from a combination should not be used to form a prima facie case of obviousness).

The Honeyman Patent discloses a transmitter for a keyless vehicle entry system, in which an individual uses the transmitter to unlock his or her automobile without using a key. Honeyman Patent, col. 1, lines 10-25. Conversely, claim 2 of this Application is directed to a response system using a regional transmitter to transmit a control signal to a plurality of receivers. The Honeyman Patent teaches away from such a regional transmission system where a single transmitter may communicate with several receivers. Such a regional transmission and receiver

system would be undesirable for the vehicle entry systems of the Honeyman Patent, as vehicle entry transmitters are only intended to communicate with and unlock the doors of a single vehicle, not a plurality of vehicles. It would be undesirable for a vehicle entry transmitter to unlock the doors of several vehicles at once, potentially allowing the transmitter's user to gain access to vehicles not owned by him or her. As such, the undersigned submits that there is no motivation to combine the reference teachings and respectfully requests the Examiner to withdraw the §103 rejection to claim 2.

With respect to claims 5-6 and 14-15, the undersigned respectfully submits that neither of the references cited, whether alone or in combination, teach or suggest all the claim limitations.

As discussed above, the Sweatt Patent does not teach, suggest or disclose systems and methods utilizing automatic response devices that perform a function to affect the position and/or orientation of the automatic response device as claimed in the rejected claims.

Nor does the Guillory Publication teach, suggest or disclose systems and methods utilizing automatic response devices that perform a function to affect the position and/or orientation of the automatic response device as claimed in the rejected claims. The Guillory Publication, similar to the Sweatt Patent, teaches a system that merely provides warnings of severe weather, using either an audible siren or other alarm, or visual displays. See page 4, para. 47. It does not teach triggering a device to automatically respond to the detected condition by performing a function that affects the position and/or orientation of the device.

Since neither the Sweatt Patent nor the Guillory Publication teach or suggest all of the claim limitations, the undersigned submits that a prima facie case of obviousness for claims 5-6 and 14-15 has not been shown and respectfully requests the Examiner to withdraw the §103 rejection of those claims.

CONCLUSION

In light of the above amendments and remarks, and the concurrently submitted terminal disclaimer, the undersigned is of the opinion that the Office Action has been completely responded to and that the Application is now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the Application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 815-6291 is respectfully solicited. No fees are believed due at this time. Nevertheless, the Commissioner is authorized to charge any fees that may be due for this Amendment and Response, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



Michael A. Bertelson
Reg. No. 54,713

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500
Docket: P0440/291762